

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANTHONY V. CAIBY,

Plaintiff,

v.

SUPERINTENDENT

JAMIE SORBER, *et al.*,

Defendants.

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Case No. 2:21-cv-5357-JDW

ORDER

AND NOW, this 13th day of June, 2022, upon consideration of Plaintiff Anthony V. Caiby's *pro se* Complaint (ECF No. 1), it is **ORDERED** as follows:

1. Mr. Caiby's official capacity claims are **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction. The remainder of the Complaint is **DISMISSED WITHOUT PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915A(b)(1) for the reasons stated in the Court's Memorandum;

2. On or before July 8, 2022, Mr. Caiby may file an amended complaint. Any amended complaint must identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint and shall state the basis for Mr. Caiby's claims against each defendant. The amended complaint must also provide as much identifying information for the defendants as possible. Mr. Caiby may refer to a defendant by last name only if that is the only identifying information possessed.

If Mr. Caiby wishes to name individuals for whom he does not have any identifying information, he may refer to those individuals as John Doe #1, John Doe #2, etc. The amended complaint shall be a complete document that does not rely on the initial Complaint or other papers filed in this case to state a claim. When drafting his amended complaint, Mr. Caiby should be mindful of the Court's reasons for dismissing the claims in his initial Complaint as explained in the Court's Memorandum. Upon the filing of an amended complaint, the Clerk shall not make service until the Court so orders;

3. The Clerk of Court shall send Mr. Caiby a blank copy of the Court's form complaint for a prisoner filing a civil rights action bearing the above civil action number. Mr. Caiby may use this form to file his amended complaint if he chooses to do so;

4. If Mr. Caiby does not wish to amend his Complaint and instead intends to stand on his Complaint as originally pled, he may file a notice with the Court on or before July 8, 2022, stating that intent, at which time the Court will issue a final order dismissing the case. Any such notice should be titled "Notice to Stand on Complaint," and shall include the civil action number for this case;

5. If Mr. Caiby fails to file any response to this Order, the Court will conclude that Mr. Caiby intends to stand on his Complaint and will issue a final order dismissing this case.

BY THE COURT:

/s/ Joshua D. Wolson

JOSHUA D. WOLSON, J.